

# CITY of ALBUQUERQUE

## EIGHTEENTH COUNCIL

COUNCIL BILL NO. O-08-41 ENACTMENT NO. O-2008-034

SPONSORED BY: Isaac Benton by request

### ORDINANCE

ADOPTING A UNIFORM ADMINISTRATIVE CODE AND TECHNICAL CODES  
PRESCRIBING MINIMUM STANDARDS REGULATING THE CONSTRUCTION,  
ALTERATION, MOVING, REPAIR AND USE AND OCCUPANCIES OF  
BUILDINGS AND STRUCTURES AND BUILDING SERVICE EQUIPMENT AND  
INSTALLATIONS INCLUDING PLUMBING, SWIMMING POOLS, ELECTRICAL,  
MECHANICAL, SIGNS, SOLAR, ENERGY CONSERVATION, BUILDING  
CONSERVATION AND THE ABATEMENT OF DANGEROUS BUILDINGS WITHIN  
THE CITY OF ALBUQUERQUE; PROVIDING FOR THE ISSUANCE OF PERMITS  
AND COLLECTING FEES THEREFORE; REPEALING CHAPTER 14, ARTICLE 1,  
ROA 1994, THE PRESENT UNIFORM ADMINISTRATIVE CODE, AND THE  
PRESENT TECHNICAL CODES INCLUDING THE BUILDING CODE, THE  
PLUMBING CODE, THE SWIMMING POOL CODE, THE MECHANICAL CODE,  
THE SOLAR ENERGY CODE, THE ELECTRICAL CODE, PROVIDING FOR  
PENALTIES FOR VIOLATION OF THE CODE; PROVIDING A SEVERABILITY  
CLAUSE; PROVIDING THE EFFECTIVE DATE AND PROVIDING FOR  
PUBLICATION.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
ALBUQUERQUE:

Section 1. INTENT OF ORDINANCE. It is the intent of this ordinance that  
the City shall recover from fees derived from Building and Safety 100% of the  
full cost, including indirect charges of code enforcement activities. It shall be  
the responsibility of the Mayor to review the Building and Safety income at  
yearly intervals and to recommend to the Council the need to increase or  
decrease fees according to the result of this review.

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1       Section 2. ADOPTION OF THE UNIFORM ADMINISTRATIVE CODE OF THE  
2 CITY OF ALBUQUERQUE. The Uniform Administrative Code is hereby  
3 adopted and shall serve as the administrative, organizational and enforcement  
4 rules and regulations for the adopted technical codes within the City of  
5 Albuquerque, New Mexico.

6       Section 3. ADOPTION OF THE TECHNICAL CODES OF THE CITY OF  
7 ALBUQUERQUE. For the purpose of prescribing minimum standards  
8 regulating construction and maintenance of buildings and structures,  
9 including all building service equipment, and installations within the City of  
10 Albuquerque, New Mexico, the following codes are hereby adopted:

11       (A) The New Mexico Building Code as adopted by the Construction  
12 Industries Division of the State of New Mexico with an effective date of  
13 January 1, 2008;

14       (B) The 2006 International Building Code as adopted by the Construction  
15 Industries Division of the State of New Mexico, including Appendix Chapter E,  
16 with an effective date of January 1, 2008;

17       (C) The 2006 International Residential Code as adopted by the  
18 Construction Industries Division of the State of New Mexico, including  
19 Appendix Chapters G, H, J, and K with an effective date of January 1, 2008;

20       (D) The 2006 New Mexico Earthen Building Materials Code as adopted by  
21 the Construction Industries Division of the State of New Mexico with an  
22 effective date of January 1, 2008;

23       (E) The 2006 New Mexico Historic Earthen Building Code as adopted by  
24 the Construction Industries Division of the State of New Mexico with an  
25 effective date of January 1, 2008;

26       (F) The 2006 New Mexico Existing Building Code as adopted by the  
27 Construction Industries Division of the State of New Mexico with an effective  
28 date of January 1, 2008;

29       (G) The 2006 New Mexico Non-Load Bearing Straw Construction  
30 Building Standards as adopted by the Construction Industries Division of the  
31 State of New Mexico with an effective date of January 1, 2008;

1 (H) The 2006 International Code Council Performance Code for Building  
2 and Facilities, including Appendix Chapters A, B, C, D, and E, as published by  
3 the International Code Council;

4 (I) The 1997 Uniform Code for the Abatement of Dangerous Buildings as  
5 published (previously) by the International Conference of Building Officials;

6 (J) The 2006 New Mexico Uniform Mechanical Code as adopted by the  
7 Construction Industries Division of the State of New Mexico with an effective  
8 date of January 1, 2008;

9 (K) The 2006 New Mexico Uniform Plumbing Code as adopted by the  
10 Construction Industries Division of the State of New Mexico including  
11 Appendix Chapters A, B, D, E, F, I, and L with an effective date of January 1,  
12 2008;

13 (L) The 2006 New Mexico Uniform Swimming Pool, Spa and Hot Tub  
14 Code as adopted by the Construction Industries Division of the State of New  
15 Mexico with an effective date of January 1, 2008;

16 (M) The 2006 New Mexico Solar Energy Code as adopted by the  
17 Construction Industries Division of the State of New Mexico with an effective  
18 date of January 1, 2008;

19 (N) The 2007 Albuquerque Energy Conservation Code; Volumes I and II;

20 (O) The 2008 New Mexico Electrical Code as adopted by the  
21 Construction Industries Division of the State of New Mexico with an effective  
22 date of July 1, 2008;

23 (P) The 2008 New Mexico Electrical Safety Code as adopted by the  
24 Construction Industries Division of the State of New Mexico with an effective  
25 date of July 1, 2008;

26 (Q) Errata sheets to the adopted portions of the Codes promulgated by  
27 the International Code Council, International Association of Plumbing and  
28 Mechanical Officials and National Electrical Code;

29 (R) The City of Albuquerque amendments to the New Mexico Codes  
30 referred to herein are set forth as Exhibit A and incorporated by reference are  
31 hereby adopted and together with the Codes in divisions (A) through (Q) of  
32 this section shall be known as the Uniform Construction Codes of the City of  
33 Albuquerque. From the date on which this ordinance takes effect they shall be

controlling within the municipal boundaries of the City of Albuquerque, New Mexico.

Section 4. AMENDMENTS TO THE UNIFORM CODES OF THE CITY OF ALBUQUERQUE. The Uniform Codes of the City of Albuquerque hereby adopted may be amended or repealed in the same manner as ordinances are amended or repealed.

Section 5. AVAILABILITY OF THE UNIFORM CONSTRUCTION CODES OF THE CITY OF ALBUQUERQUE. A copy of the Uniform Administrative Code and a copy of the Uniform Construction Codes of the City of Albuquerque as adopted by this ordinance are on file in the Office of the City Clerk of the City of Albuquerque, and are available for inspection by the public during regular business hours. A copy of said codes shall be available to any individual upon request and the payment of a reasonable charge as set by the Chief Administrative Officer, to be not less than the actual cost per copy.

Section 6. BUILDING AND SAFETY DIVISION - JURISDICTION. The Building and Safety Division of the Planning Department shall have jurisdiction to administer the Uniform Construction Codes of the City of Albuquerque for construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment.

Section 7. FIRE MARSHAL - JURISDICTION; APPLICATION OF FIRE CODE.

(A) The Fire Marshal shall have jurisdiction under the Fire Code of the City of Albuquerque to test and inspect fire alarm systems and fire suppression systems, including fire hydrants, fire extinguishers and sprinkler systems installed in construction, alteration, moving, repair, demolition, use and occupancy of buildings, structures and building service equipment. The Fire Marshal shall have jurisdiction under the Fire Code as adopted by the Fire Department of the City of Albuquerque as applicable to construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment.

(B) Existing Buildings. The Fire Marshal shall have jurisdiction to administer the Fire Code of the City of Albuquerque as applicable to all existing structures.

1       Section 8. **CONFLICT OF CODES.** When a conflict exists in specific code  
2 requirements between applicable sections of the Uniform Construction Codes  
3 of the City of Albuquerque and the Fire Code of the City of Albuquerque, the  
4 Uniform Construction Codes shall prevail.

5       Section 9. **PENALTIES.** Any person violating any of the provisions of this  
6 code or failing or neglecting to comply with any orders issued pursuant to any  
7 section thereof shall be deemed guilty of a misdemeanor and such person  
8 shall be guilty of a separate offense for each and every day or portion thereof  
9 during which any such violation is continued or permitted. Upon conviction of  
10 any such violation, such person shall be punished by fine of not more than  
11 \$500 or by imprisonment for not more than 90 days, or by both such fine and  
12 imprisonment.

13       Section 10. **REPEALER.** Ordinance No. 35-2007 adopting the Uniform  
14 Administrative Code, the Building Code, the Mechanical Code, the Plumbing  
15 Code, the Swimming Pool Code, the Solar Energy Code, the Electrical Code,  
16 and all amendments thereto, which is compiled as Chapter 14, Article 1 of the  
17 Revised Ordinances of Albuquerque, New Mexico, 1994, is hereby repealed;  
18 provided, however, that nothing contained in this ordinance shall, in any  
19 manner, affect pending actions for violations of Ordinance No. 35-2007 or the  
20 Codes incorporated therein as such actions shall be governed by Ordinance  
21 No. 35-2007 and the Uniform Administrative and Construction Codes  
22 incorporated therein.

23       Section 11. **SEVERABILITY CLAUSE.** If any section, subsection, sentence,  
24 clause, word or phrase of this ordinance is for any reason held to be  
25 unconstitutional or otherwise invalid by any court of competent jurisdiction,  
26 such decision shall not affect the validity of the remaining portions of this  
27 ordinance. The City Council, the Governing Body of the City of Albuquerque,  
28 hereby declares that it would have passed this ordinance and each section,  
29 subsection, sentence, clause, word, or phrase thereof irrespective of any one  
30 or more sections, subsections, sentences, clauses, words, or phrases being  
31 declared unconstitutional or otherwise invalid.

32       Section 12. **COMPILATION.** This ordinance shall be incorporated in and  
33 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 13. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.

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